

Module D Section 3
Negotiation and Contracting
Quiz

1. Why would you want to avoid miscommunications during negotiation?
 - A. As an advocate for my employer, I would not want to have a provider or member of the Circle of Support misunderstand what I mean by needs, desires, dreams or concerns. This misunderstanding could negatively impact my employer's ability to choose their own life path.
 - B. Negotiation involves the thoughts and feelings of all participants. If I were not clear as an advocate, other members of the team could become confused or upset with me or my employer. This could make my job harder in the long run.
 - C. As a Support Broker, it is my responsibility to ensure that my employer's needs, desires, dreams and concerns are heard and respected by his or her Circle of Support and support providers. If I do not routinely check for understanding – a way to avoid miscommunications – it could be interpreted that I do not care or I am not prepared to advocate for my employer.
 - D. All of the above.
 - E. Only A and C are correct.

2. You have read about Carol Ann in this and past sections. What is your position regarding the question: *Should Carol Ann be able to live how she chooses, even if some of her choices impact her health?* Which answer best reflects respect for an individual's right to be Self-Determined, while at the same time maintains respectful communication among the Circle of Support?
 - A. As Carol Ann's Support Broker, I feel that Carol Ann should be allowed to determine her own living arrangements. Carol Ann feels she is doing her best to take care of her medical needs and does not know what Jan is worried about. The best thing to do is to remove Jan from the team. She does not listen to Carol Ann and it is frustrating for the whole team.
 - B. Everybody on a team needs to have a voice. Their perspectives are very important – particularly Carol Ann's. But, unless we can talk this out using clear concerns, interests and options, we will never resolve this issue. Carol Ann's Circle of Support is currently pretty small and because of that, I have been looking for ways to facilitate giving both Carol Ann and Jan more input on this issue in the Circle.
 - C. Carol Ann must face facts that she has put her health in jeopardy by the choices she makes. Because of everything Jan has done for her, Carol Ann must realize that Jan is right. Carol Ann will just have to do as Jan sees fit. When you do not make good decisions for yourself, you lose out.

- D. Carol Ann should get a lawyer. I will recommend that we fight Jan legally. Maybe I can become Carol Ann's guardian. After all, I am the only one who has her best interest at heart.
3. Is it okay to make concessions without your employer's permission or understanding? Which of the following seems like the best approach for solving disagreement among the Circle of Supports and your employer?
- A. As a Support Broker, I am required to focus upon my employer's dreams, needs and desires. As with Carol Ann, if I conclude that Jan's fear is more important than Carol Ann's dream to live where she chooses, I am not doing my job. To be a successful advocate, I need to find a way to help Carol Ann and Jan work together to find ways to reach Carol Ann's dreams in a way that does not compromise her health or safety.
 - B. It is necessary to reach a decision that is neutral. That is a hallmark of a good Support Broker. Everyone wins a little. Negotiate, even if the employer loses a little of what they want. Next time negotiate more in their favor. As a Support Broker, you want to always come out on top.
 - C. Concessions sometimes indicate weakness and a good negotiator should not ever appear weak or unwilling to fight for his or her cause. Decide what your point of view is and go for it. You fight for what you think is right, even if it goes against what your employer wants. In the long run, you will earn everyone's respect.
 - D. As a Support Broker, it is not my role to get everyone to agree; rather it is my role to support my client. The client and I will decide what we want to pose and everyone else will have to be okay with it. If they are not, or if there are too many disagreements, they will be asked to leave the Circle of Support. My client comes first and I support them.
4. When establishing a contract, what are important things to keep in mind?
- A. All parties to the contract should be identified; all negotiated services and conditions should be clearly outlined; and all language should be clear, understandable and straightforward.
 - B. All language must be approved by a certified attorney and signed before a judge; all negotiations need to be in the presence of a trained mediator; all agreements are null and void if the agreement is not signed by the Director of Medicaid services.

- C. All parties must be determined of sound mind before a contract is signed; being of sound mind is determined first in a court of law. All individuals who have been given guardianship will not be allowed to participate in a negotiated contract.
- D. In self-directed supports there are not specific things to keep in mind. This is a very flexible system and the contracts are also flexible. A verbal agreement is permitted as long as it is between a client and a non-traditional support person, such as a neighbor.
- E. Only A, B, and C are correct.

5. Why is quality assurance and good follow up so crucial to “My Voice, My Choice”?

- A. Quality assurance is crucial for the safety of the person with a disability, but it is primarily the responsibility of **providers of service**. As the Support Broker, you can only be responsible for your own actions. If a provider does not do what they are supposed to do, they should not be in the business in the first place.
- B. While quality assurance is crucial to the safety of the adult with a disability, because the Fiscal Intermediary is the “employer of record,” all follow up should be completed by them. A Support Broker **would not** cover quality assurance language in their contracts.
- C. Quality assurance is crucial because the services and supports that are being contracted impact an individual’s ability to **live the life they desire** with the supports they need. Without follow up, individuals could have their ability to function compromised.
- D. Quality assurance is crucial and is the responsibility of the **person with a disability**. They are the **boss**, they do all the follow-up and they assure their own safety. This system is self-directed; no one else is responsible.